

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

L.I.S.T., INC., On Behalf of Itself and  
All Others Similarly Situated,

Plaintiff,

v.

VEECO INSTRUMENTS, INC.,  
EDWARD H. BRAUN, and JOHN F. REIN, JR.,

Defendants.

No.: 7:05-CV-02189 (CM)

ROY P. KERSHAW, Individually and on Behalf  
behalf of all others similarly situated,

Plaintiff,

No.: 7:05-CV-02929 (CM)

VEECO INSTRUMENTS, INC.,  
EDWARD H. BRAUN, and JOHN F. REIN, JR.

Defendants.

**JOEL MANDEL'S NOTICE OF NON-OPPOSITION TO THE  
MOTION OF THE STEELWORKERS PENSION TRUST  
FOR APPOINTMENT AS LEAD PLAINTIFF**

Having reviewed the pending motions, lead plaintiff movant Joel Mandel realizes that, with the third largest loss, he may not have the largest financial interest in this litigation. Accordingly, given the filings thus far, it appears that The Steelworkers Pension Trust has the largest financial interest in the litigation and absent any disqualifying factor, should be appointed as lead plaintiff. Given Mr. Mandel's loss of over \$100,000, he remains ready, willing and able

to serve as lead plaintiff or co-lead plaintiff should there be factors that would eliminate the other larger investors from being appointed, or require the appointment of Mr. Mandel.

Dated: May 2, 2005

**COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.**

/s/

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- and -

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***Counsel for Proposed Lead Plaintiff***

**CERTIFICATE OF SERVICE**

The undersigned certifies that on May 2, 2005, a copy of the foregoing JOEL MANDEL'S NOTICE OF NON-OPPOSITION TO THE MOTION OF THE STEELWORKERS PENSION TRUST FOR APPOINTMENT AS LEAD PLAINTIFF; and CERTIFICATE OF SERVICE was filed electronically.

Those attorneys who are registered with the Electronic Filing System may access this filing through the Court's System, and notice of filing will be sent to these parties by operation of the Court's Electronic Filing System.

**COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.**

/s/  
Catherine A. Torell (CT-0905)